

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. NO. 2387-01
BILL NO. HB 1169
SUBJECT: Changes Certain Sexual Offense Definitions
TYPE: Original
DATE: January 17, 2000

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
General Revenue	(\$45,128) to Unknown)	(\$49,159) to (Unknown)	(\$50,411) to (Unknown)
Total Estimated Net Effect on <u>All</u> State Funds*	(\$45,128) to (Unknown)	(\$49,159) to (Unknown)	(\$50,411) to (Unknown)

* Unknown costs not expected to exceed \$100,000 annually.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
None			
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
Local Government	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses
This fiscal note contains 4 pages.

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of the Attorney General, Office of Prosecution Services, Department of Public Safety - Missouri Highway Patrol and Department of Social Services** assume this proposal would not fiscally impact their agencies.

Officials from the **Office of State Courts Administrator** assume the proposed legislation would increase the number of criminal violations, but have no way of estimating the number of prosecutions. Officials do not expect the numbers to significantly increase the workload of the judiciary.

Officials from the **Office of the State Public Defender (SPD)** assume this proposal would fiscally impact their agency. The SPD assumes that as the prohibited age comes closer to the “dating ages” additional charges will be filed. The SPD stated that enactment of this proposal would double the existing caseload of 2nd degree statutory rape and 2nd degree statutory sodomy. Fiscal Year 1999 yielded 116 statutory rape cases and 31 statutory sodomy cases. The SPD has responded with fiscal costs for .75 FTE for an Assistant Public Defender (\$33,360) and .25 FTE for a Paralegal Investigator (\$23,112). The SPD would require the accompanying expense and equipment costs for the FTE.

Oversight notes the SPD had responded to a very similar proposal from the 1996 session. In their response to that proposal, the SPD assumed they would be only minimally impacted by the proposal. Oversight notes that the caseload for 2nd degree statutory rape cases was only 10 for 1996. The caseload grew to 81 in 1997 and was 67 in 1998. The SPD reports that the caseload was 116 in FY 1999. Therefore, it appears the caseload has grown significantly since 1996 and as a result, Oversight assumes that the anticipated caseload could be handled by one additional FTE for an Assistant Public Defender. Oversight has also modified the fiscal estimate as prepared by the SPD to include costs for one FTE and removed the cost for rent for the one additional FTE.

Officials from the **Department of Corrections (DOC)** assume that this proposal will not fiscally affect their agency.

Oversight assumes the proposal could result in more offenders being incarcerated or placed on probation. Additional costs for supervision and care by the DOC cannot be determined, but would likely be less than \$100,000 annually.

<u>FISCAL IMPACT - State Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003
GENERAL REVENUE FUND			
<u>Costs - Office of State Public Defender</u>			
Personal Service (1 FTE)	(\$27,800)	(\$34,194)	(\$35,049)
Fringe Benefits	(\$8,549)	(\$10,515)	(\$10,778)
Expense and Equipment	(\$8,779)	(\$4,450)	(\$4,584)
Total <u>Costs</u> - Office of State Public Defender	(\$45,128)	(\$49,159)	(\$50,411)
<u>Costs - Department of Corrections</u>			
Increased Probation Costs or Increased Persons Incarcerated	(Unknown)	(Unknown)	(Unknown)
TOTAL ESTIMATED EFFECT ON GENERAL REVENUE FUND*	(\$45,128) to (Unknown)	(\$49,159) to (Unknown)	(\$50,411) to (Unknown)

* Unknown costs are not expected to exceed \$100,000 annually.

<u>FISCAL IMPACT - Local Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003
	\$0	\$0	\$0
<u>DESCRIPTION</u>			

The proposed legislation would change the age definitions for a perpetrator of the crime of second degree statutory rape from 21 years to 19 years.

It would change the age definition for a perpetrator of the crime of second degree statutory sodomy from 21 years to 19 years. The proposed legislation would also expand the definition of "deviate sexual intercourse" to include a person's hand.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

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SOURCES OF INFORMATION

Department of Public Safety - Missouri Highway Patrol
Office of State Courts Administrator
Office of the State Public Defender
Office of the Attorney General
Office of Prosecution Services
Department of Corrections
Department of Social Services

A handwritten signature in black ink, appearing to read "Jeanne Jarrett". The signature is stylized with a large initial "J" and a cursive script.

Jeanne Jarrett, CPA
Director
January 17, 2000